

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

JEFFERSON-PILOT LIFE INSURANCE	:	
COMPANY,	:	Case No. C-1-02-479
	:	
Plaintiff,	:	(Judge Spiegel)
	:	(Magistrate Judge Hogan)
vs.	:	
	:	
CHRISTOPHER L. KEARNEY,	:	<u>MOTION TO SUSPEND COURT</u>
	:	<u>ORDERS AT DOCUMENTS 76</u>
	:	<u>AND 77 IN THE ABOVE</u>
Defendant.	:	<u>REFERENCE MATTER</u>

Now comes the Plaintiff, Jefferson-Pilot Life Insurance Company, by and through its counsel, and respectfully requests this Court to reconsider and suspend its Orders at Document Nos. 76 and 77, pending the filing of Plaintiff's Reply Memorandum due July 28, 2004, and the Discovery Conference scheduled for July 29, 2004.

Respectfully submitted,

OF COUNSEL:	<u>s/ William R. Ellis</u>
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	Amy Gasser Callow (0063470)
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Attorneys for Plaintiff
Jefferson-Pilot Life Insurance Co.

MEMORANDUM IN SUPPORT

The basis for this Motion is that the Order predates the scheduled conference on the issues ruled upon which is scheduled for July 29, 2004, at 1:30 p.m. It is counsel's understanding that the motions to be ruled upon were to be the subject of oral argument and discussion with the Court at that time. Counsel for the Plaintiff was and is prepared to discuss some of the issues in more detail upon which the Court ruled in its Order at Document No.76. The additional discussion anticipated at the hearing will assist the Court with regard to the issues concerning the 36(b)(6) witness and the potential electronic discovery.

Plaintiff also respectfully requests this Court to suspend its Order at Document No. 77. Plaintiff filed a Motion for Sanctions on the 23rd of June, 2004 to which the Defendant responded on the 14th of July, 2004. A reply brief to be filed by the Plaintiff is due tomorrow, the 28th of July, 2004. Plaintiff respectfully suggests that it is improper for the Court to enter an Order ruling upon motions that have not yet been fully briefed.

For the foregoing reasons, Plaintiff respectfully requests that the Court reconsider and suspend the above two Orders pending the hearing set for July 29, 2004 and the receipt and review of the reply brief due on July 28, 2004.

Respectfully submitted,

s/ William R. Ellis

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing has been filed with the Court by electronic means on this 27th day of July, 2004. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

s/ William R. Ellis

William R. Ellis

Attorney for Plaintiff

Jefferson-Pilot Life Insurance Co.

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